REMARKS

Reconsideration and further examination of the present application is respectfully requested. The Office Action has rejected claims 1-20. Applicant has amended claim 1 with this response. No claims were previously canceled. No claims have been added.

I.   **Claim Rejections – 35 U.S.C. §102**

    a. Claims 1, 3, and 6 and 9 are rejected under 35 U.S.C. 102 (e) as being anticipated by Marko et al. U.S. Pat. No. 6,876,835 ("Marko")

Claims 1, 3, 6, and 9 have been rejected under 35 U.S.C. § 102 (e) as being anticipated by Marko. Applicant does not admit that Marko is prior art and reserves the right to swear behind the reference at a later date. As discussed below, Marko fails to teach or suggest at least one limitation included in each of the claims, and, thus, fails to teach or make obvious the claimed invention.

Overview of Marko

With reference to Fig. 1 of the cited reference, Marko essentially shows and describes a system for storing broadcast content files for on-demand playback purposes. The system requires the following components to implement the patented method: a programming center 20; at least one satellite 16; a control center 18; and a system receiver 14.

"The programming center 20 is configured to obtain content from different sources and providers which can comprise both analog and digital information such as audio, video, data, ... and so on." See Marko at col. 4, lines 4-8. The "programming center 20 is provided to generate and transmit a composite data stream via the satellites 12 and 16 which comprises a plurality of broadcast channels." See id. at col. 3, lines 52-55. A composite data stream may be "generated,

Application No.: 10/779,355   8   Attorney Docket No.: 6368.P003

for example, by time division multiplexing a plurality of broadcast channels, along with other data such as overhead data." See id. at col. 4, lines 56-60. Further, the "file to be transferred via the digital broadcast system such as the system 10 is partitioned at the program center 20 ... for transmission as segments 36, as shown in Figs. 3 and 4." See id. at col. 4, lines 48-54. "The segments 36 are provided with headers 37 to facilitate their capture in a local storage device at receiver 14." See id. at col. 4, lines 57-60. "The partitioning of the file 34 allows for smaller portions of the file (e.g., 8kbps channels) to be interspersed with other broadcast content, hereby reducing the demand on the instantaneous bandwidth of the system." Id. at col. 4, lines 54-57. Each segment of the broadcast file includes an associated segment header which is made up of information such as broadcast ID, auxiliary data, file number, segment number, and total segments. See id. Figs. 4-5.

Page 10 cut off.